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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
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12 EXPRESS DIAGNOSTICS INT'L, INC.,)
13 Plaintiff,)
14 v.)
15 BARRY M. TYDING, et al.,)
16 Defendants.)
17 _____)
18 AND RELATED CROSS ACTION)
19 _____)

Case No.: C 06-1346 JW (PVT)

**ORDER CONTINUING TO AUGUST 26,
2008, HEARING ON PLAINTIFF'S
MOTION FOR PROTECTIVE ORDER**

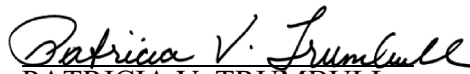
20 On March 13, 2008, Plaintiff filed a Motion for Protective Order and Request for Stay
21 Pending Resolution of Location and PMKs for Rule 30(b)(6) Deposition of Express Diagnostics
22 International ("Plaintiff's Motion for Protective Order"). The motion has been fully briefed.
23 However, on April 9, 2008 District Judge Ware issued an order granting attorney William N.
24 Woodson's motion to withdraw as counsel for certain Defendants, in which Judge Ware also stayed
25 all pending filing deadlines for 30 days and set a further Case Management Conference for June 16,
26 2008 to discuss the posture of the case in light of Mr. Woodson's withdrawal. In light of Judge
27 Ware's order, this court continued this motion. On May 30, 2008, District Judge Ware issued an
28 order further staying all pending filing deadlines to August 7, 2008, based on Defendant Tyding's
recent heart surgery, and his critical and unstable health condition. Therefore,

1 IT IS HEREBY ORDERED that the hearing on Plaintiff's Motion for Protective Order is
2 continued to 10:00 a.m. on August 26, 2008. Attorney Woodson had filed a declaration in
3 opposition to Plaintiff's Motion for Protective Order on behalf of all of his clients, including those
4 whom he has now withdrawn from representing – Defendants Barry M. Tydings, Merina T. Kisera,
5 Zyon Int'l, Inc., and Premium Diagnostics, Inc. ("the Unrepresented Parties"). The Unrepresented
6 Parties are entitled to appear and/or be represented at the hearing on Plaintiff's motion. Thus, it
7 would be inappropriate to conduct the hearing before each of the Unrepresented Parties has either
8 retained new counsel and/or elected to appear *pro se*. Judge Ware has set August 7, 2008 as the
9 deadline for the Unrepresented Parties to either identify substitute counsel or else file a notice of
10 intent to self-represent. Once the Unrepresented Parties have done so, any new counsel may need
11 some time to prepare for the hearing on Plaintiff's Motion for Protective Order. Thus, the court has
12 scheduled the hearing for a little over two weeks after the August 7th deadline.

13 IT IS FURTHER ORDERED that attorney Woodson shall promptly provide a copy of this
14 order to the Unrepresented Parties, and, if they retain substitute counsel, to their new counsel
15 promptly after that counsel is identified.

16 IT IS FURTHER ORDERED that, absent agreement of all parties or further order of the
17 court, the subject deposition(s) are stayed pending resolution of Plaintiff's Motion for Protective
18 Order.

19 Dated: 6/2/08

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21 PATRICIA V. TRUMBULL
22 United States Magistrate Judge
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